

Matthew J. Larkin
Partner

June 4, 2019

VIA ECF

Hon. Jeremiah J. McCarthy
United States Magistrate Judge
Robert H. Jackson United States Courthouse
2 Niagara Square
Buffalo, NY 14202

Re: Servants of Jesus and Mary, Inc., v. The National Committee for The National Pilgrim Virgin of Canada, et al.
Civil No.: 1:18-00731-EAW-JJM

Dear Magistrate Judge McCarthy:

We represent the plaintiff in regard to the above-referenced matter. We write on consent of all parties to respectfully request a 90 day extension of the deadlines set forth in the current Case Management Order. No prior requests for extensions have been made by any party. Pursuant to Rule 16(b)(4), we believe good cause exists for this request as set forth below.

Pursuant to the Case Management Order, the parties engaged in mediation over an extended period of time in hopes that the process would result in a resolution of this litigation. This included a live session held at the mediator's office October 10, 2018 and several follow-up telephone conferences over the next several months. It was not until the end of January 2019 that it became clear that an early resolution was unlikely to occur, despite the good faith efforts of all involved. Since that time, the parties have vigorously pursued discovery, exchanging approximately 10,000 pages of documents. This process was briefly delayed by a motion and court conference but has otherwise progressed expeditiously.

The deposition of defendant Andrew Cesanek has been completed. The depositions of three witnesses on behalf the plaintiff are scheduled to be held this week. Ten additional party witnesses and former party employees are scheduled for depositions be conducted before the end of June. Several of these witnesses will be traveling from Canada and one witness will be traveling from Ireland. We have reserved additional dates in July to accommodate any scheduled depositions that do not proceed. In addition, we are in the process of arranging non-party depositions which may require subpoenas. There remains the likelihood that additional nonparty witnesses will be identified for depositions during the course of the party depositions. We expect that these depositions will likely occur in August.

Based on the foregoing, we request that Your Honor modify the dates in the Case Management Order to the following:

- all fact discovery completed by September 11, 2019;
- expert reports by a party who bears the burden of proof by October 18, 2019;
- opposing party expert reports by November 26, 2019;
- expert depositions completed by January 15, 2020;
- pretrial dispositive motions filed by February 28, 2020;
- if no motions are made, a request for a trial date made by March 6, 2020; and
- mediation sessions may continue until February 28, 2020.

The proposed dates are mutually agreeable to all parties. We are available to the court if Your Honor would like to schedule a conference on this matter.

Thank you for your courtesies.

Respectfully submitted,



Matthew J. Larkin

MJL

cc: Via ECF
All Counsel of Record